

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

KEVIN RUSSELL

PLAINTIFF

v.

No. 4:08CV133-P-A

GLORIA PERRY, ET AL.,

DEFENDANTS

ORDER

This matter is before the court, *sua sponte*, for consideration of dismissal. The pro se prisoner plaintiff, an inmate at the Mississippi State Penitentiary, has submitted a complaint he wishes to file under 42 U.S.C. § 1983. The complaint alleges that the plaintiff is receiving inadequate medical treatment for his injured left arm.

The Prison Litigation Reform Act was enacted in April 1996. This Act provides, *inter alia*, at 28 U.S.C. § 1915(g)

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

On September 11, 2002, this court dismissed *Russell v. Sparkman*, 4:02CV185-P-A for failure to state a claim upon which relief could be granted. On March 7, 2007, the court dismissed *Russell v. Bearry*, 4:04CV144-P-A for failure to state a claim. Finally, the court dismissed *Russell v. Liddell*, 4:07CV145-P-A, also for failure to state a claim. Therefore, the plaintiff has accumulated three “strikes” and has been an abuser of his *in forma pauperis* privileges. Consequently, it is **ORDERED:**

- 1) that this case is **DISMISSED**;
- 2) that under 28 U.S.C. § 1915(g), the plaintiff is **BARRED** from filing any future *pro se in forma pauperis* complaints without permission of one of the judges of the court.
- 3) that this case is **CLOSED**.

This, the 11th day of February, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE